

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

In re:

Case No. 17-56425

MARQUITA THOMAS, *pro se*,

Chapter 7

Debtor.

Judge Thomas J. Tucker

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**ORDER CONDITIONALLY DISSOLVING SHOW CAUSE ORDER  
(REGARDING FILING FEE)**

This case came before the Court for a hearing on March 21, 2018, on the Court's order entitled "Order To Show Cause on Dismissal of Case For Failure to Pay Filing Fee," filed on March 6, 2018 (Docket # 37, the "Show-Cause Order"). Counsel for the Chapter 7 Trustee appeared at the show-cause hearing. The Debtor did not appear, despite having been ordered to do so. For the reasons stated by the Court on the record during the hearing,

IT IS ORDERED that the Show-Cause Order is dissolved, on the conditions stated in this Order.

IT IS FURTHER ORDERED that **no later than April 18, 2018**, the Debtor must pay in full the \$335.00 filing fee for this case, or the Court will enter an order denying the Debtor a discharge under 11 U.S.C. § 727(a)(6)(a) and 11 U.S.C. § 105(a). *See also* Fed. R. Bankr. P. 1006.

IT IS FURTHER ORDERED that after April 18, 2018, and if and when the Trustee recovers funds that are property of the bankruptcy estate in this case, and if and to the extent that the Debtor by then has not paid the filing fee, the Trustee must promptly pay the filing fee for this case, from the funds that are property of the bankruptcy estate. If the Trustee fails to comply with this paragraph of this Order, the Court may dismiss this case, without further notice or hearing.

IT IS FURTHER ORDERED that if and to the extent the Trustee is required to pay the filing fee under the terms of this Order, and does so, then (1) the Trustee will have an allowed administrative expense for the amount of such payment, under 11 U.S.C. § 503(b)(1)(A) (as an "actual, necessary cost[] and expense of preserving the estate");<sup>1</sup> and (2) the bankruptcy estate

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<sup>1</sup> This is so because that such a required payment of the filing fee by the Trustee would be necessary for the Trustee to avoid being precluded from administering assets of the estate. Such preclusion would occur if the Court were to dismiss this case because of an unpaid filing fee. So by avoiding such a dismissal, the Trustee's required payment of the filing fee would avoid the Trustee being

will have a claim against the Debtor for the filing fee amount paid by the Trustee.<sup>2</sup>

IT IS FURTHER ORDERED that if this case is ever dismissed or closed without the filing fee having been paid in full, the Court will enter an order barring the Debtor from filing any new bankruptcy case unless and until the Debtor first has paid the filing fee for this case.

**Signed on March 21, 2018**



**/s/ Thomas J. Tucker**

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**Thomas J. Tucker**  
**United States Bankruptcy Judge**

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precluded from administering the assets of the estate.

<sup>2</sup> This is so because payment of the filing fee is the Debtor's obligation in the first instance.